

RELIGIOUS continued

New Life Outreach Ministries

North Church of Christ
David Pratt

Peace Education Commission of Associated Churches of Ft.
Wayne & Allen County
Ann Frelick

Restored Paths Ministries
Malcolm Howell

Revelation Missionary
Alfreda Bledsoe

Samaritan Center - First Presbyterian Church
Robert Collie

Southern Heights Baptist Church
Otha Adon

Unitarian Universalist Church
Laurie Proctor

Yahweh's Assembly in Fort Wayne
Thomas Schattke

RELIGIOUS continued

American Atheists
Dal Mathias

Blackhawk Baptist Church

Baha'i of Ft. Wayne
Carol Butler

Church of Christ at Grabill
Harvey Harker

Concordia Theological Seminary
Dr. Ralph Wetzel

End Time Harvest Ministries
Deb White

First Assembly of God Christian Center
F.W. Gresham

First Baptist Church of New Haven
Clarence Smith

Ft. Wayne Friends of Tiber
Kathleen Crowe

Gospel Light House Church of God
David Baker

Grace Memorial Baptist Church
William Pauley

Grace Temple Church
Hope For The World

House of God Church
Jerry Carter

Holy Cross Lutheran Church
Paul Melin

Kings Chapel Assembly
Juan Sanchez

Koinonia Christian Center

Lake Avenue Church of the Nazarine
Philip Ketcham

Mount Calvary Baptist
Rev. Mike Nickleson

Nation's of Islam
Jeffrey X Mann

Nehemiah Church
Johnny Gresham

New Life Church

**INDIANA UNIVERSITY
PURDUE UNIVERSITY
AT FORT WAYNE**

College Cable Access Center
Channel 6 219/481-6000

(Before the
(FEDERAL COMMUNICATIONS COMMISSION
(Washington, D.C. 20554
(
(In the Matter of
(TELEPHONE COMPANY-CABLE TELEVISION
(CC Docket No. 87-266
(Cross-Ownership Rules,
(Sections 63.54-63.58
(and
(Amendments of Parts 32, 36,
(Rulemaking No. 8491 61, 64, and 69 of
(the Commission's Rules to
(Establish and Implement Regulatory
(Procedures for Video Dial-tone Service

AFFIDAVIT IN SUPPORT OF COMMENTS

TO: The Commission

1. My name is Bernard J. Lohmuller. I am the Director of the College Cable Access Center at Indiana University-Purdue University Fort Wayne (IPFW), a non-profit, college cable television access center in Fort Wayne, Indiana operating pursuant to a cable franchise. Section 611 of the Communications Act of 1984, as amended, authorizes municipal and state franchising authorities to request that cable operators support cable access by public, educational, and governmental ("PEG") entities.
2. The College Cable Access Center at IPFW is an organizational member in good standing of The Alliance for Community Media, a non-profit association representing PEG television stations nationwide. Our membership has been continuous since 1987.
3. The College Cable Access Center at IPFW has been in operation for 13 years; I have been the director of the center for four and one-half years, since 1990.
4. As specified in an agreement with the franchised cable operator, IPFW operates the College Access Channel on our local cable system. The College Access Channel provides no-fee cable television system access for seven non-profit colleges in the Greater Fort Wayne Municipal Area.

5. The local College Access Channel is utilized primarily for instructional and informational programming which is designed to provide post-secondary educational services to the community. Normal and customary marketing done by the institutions is done through traditional broadcast and cable media outlets and paid for by the institutions through traditional marketing means.
6. The College Cable Access Center at IPFW receives most of its capital equipment funding for the equipment necessary to produce and transmit television signals on the cable system through franchise fees which are passed through the franchise authority to the center. The remainder of its budget is comes from IPFW, the host institution which provides operational funds, and from nominal grants and contributions, which constitute 70 percent of the total yearly operating budget for the station.
7. Section 611 of the Communications Act of 1984 permits local franchising authorities to request PEG access and facilities from a cable franchise when such franchise is initiated or comes up for renewal. The existence of the College Cable Access Center at IPFW facility depends upon the local franchising authorities' insistence that such facilities be a condition of the franchise.
8. The Federal Communications Commission is considering further regulations on persons maintaining common-carrier services providing video images, or "video dial-tone" ("VDT").
9. The Federal Communications Commission is considering the promulgation of such regulations without requiring a use-fee structure which would be economically equivalent to the costs imposed on cable operators to, among other matters, ensure the continuance of PEG access.
10. The inequitable treatment of similar video transmission services may result in uneven economic pressures. These pressures will cause cable operators to cease offering PEG access to franchise authorities in order to remain competitive with non- franchiseable VDT services. PEG centers will close as individuals shift from cable to VDT and franchise fee collections diminish.
11. If the College Cable Access Center at IPFW is forced to close because the cable operator and franchising authority cannot agree to its continuation, then the individuals and organizations who currently utilize the facilities of the station will be forced to turn to the commercial marketplace to seek outlets for educational programming. Since such programming tends by its nature to appeal to a smaller or narrowcast market, commercial broadcast and cable outlets resist allocating programming time for such purposes.
12. In contrast to commercial television or cable operator-provided production services,

December 14, 1994

most programs produced in our college cable access facility, including in-studio production and all post-production costs, are free of charge to complete and show. In our local commercial market, a half-hour of television time which costs at least \$450 on a local broadcast station plus production and post-production costs, which could be as much as \$1,000 per minute in the commercial market in this area could easily add up to a cost of \$1,500 or more for simple format programs.

13. The non-profit colleges and their students and faculty who use our facility would find such fees out of their reach and the local production of educational programming would be curtailed and perhaps cease altogether.

14. The erosion of PEG access could have significant deleterious effects on the practical enactment of First Amendment ideals, as well. Responsible comment on subjects of wide variety by individual citizens would go the way it did in decades past when the television medium was controlled by relatively few broadcasters. Not only will such access to television media be very difficult to obtain, but will require funding which will, in and of itself, eliminate many worthy viewpoints from the medium.

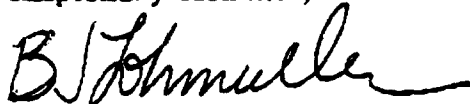
15. After nearly two decades of service, PEG access has proven to be the most economical, equitable, practical and successful means of accomplishing the goal of providing citizen access to electronic mass media.

16. VDT regulation which subjects both media to the same PEG requirements is the only method that will guarantee the existence of PEG access in a context of telecommunications competition.

17. VDT regulation which requires dedicated PEG access channels on both media will further provide the viewing public with the most predictable and stable viewing environment--a benefit which will lend greater efficiency and order to a system which otherwise may be extremely difficult for the average viewer to effectively use.

I submit that the foregoing is truthful, based on personal knowledge, information, and belief.

Respectfully submitted,



Bernard J. Lohmuller
Director

December 14, 1994

Before the

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
TELEPHONE COMPANY-)	
CABLE TELEVISION)	CC Docket No. 87-266
Cross-Ownership Rules,)	
Sections 63.54-63.58)	
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and)	
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Amendments of Parts 32, 36,)	Rulemaking No. 8491
61, 64, and 69 of the)	
Commission's Rules to)	
Establish and Implement)	
Regulatory Procedures for)	
Video Dialtone Service)	

AFFIDAVIT IN SUPPORT OF COMMENTS

To: The Commission

**COMMENTS OF
PUBLIC ACCESS CHANNEL 10**

Public Access Channel 10 submits these comments in response to rulingmaking number 8491, specifically regarding issues of preferential access and in support of the comments filed in this proceeding by the Alliance for Community Media

1. My name is Erik S. Mollberg. I am the Public Access Coordinator of Public Access Channel 10, a public access center in Fort Wayne Indiana operating pursuant to a cable franchise. Section 611 of the Communications Act of 1984, as amended authorizes municipal and state franchising authorities to request that cable operators support cable access by public, educational, and governmental ("PEG") entities.
2. Public Access Channel 10 is a member of The Alliance for Community Media, a non-profit association representing PEG television stations nationwide.
3. Channel 10 has been in operation for 14 years; I have been Coordinator of the center for 10 years, since January 1984.

4. Local religious, charitable, and community organizations are regular users of my facilities. Among the 190 organizations that have utilized the facilities of (center) in the past year are Fort Wayne Dance Collective, Community Harvest Food Bank, Statewood Baptist Church and the Mayor's Office of Fort Wayne Indiana. Among organizations that have utilized Public Access Channel 10 this past year are 29 community service organizations, 15 government, 31 social service, 21 educational, 34 religious, 17 arts and 43 private. A complete list is attached as exhibit A. This is in accordance with both the letter and the spirit of Section 611, which requires that PEG centers meet the communications needs of the localities in which a cable franchise operates.
5. Channel 10 receives its operational funding primarily through the Allen County Public Library and Comcast Cablevision and its capital funding from the franchise fees, which are passed through the franchise authority to the station, pursuant to the terms of Fort Wayne City Ordinance franchise agreement.
6. Section 611 of the Communications Act of 1984 permits local franchising authorities to request PEG access and facilities from a cable franchise when such franchise is initiated or comes up for renewal. The existence of most PEG facilities rests upon franchising authorities' insistence that such facilities be a condition of franchise.
7. The Federal Communications Commission is considering promulgating further regulations on persons maintaining common-carrier services providing video images, or "video dial-tone" ("VDT")
8. The Federal Communications Commission is considering the promulgation of such regulations without requiring a use-fee structure which would be economically equivalent the costs imposed on cable operators to, among other matters, ensure the continuance of PEG access.
9. The inequitable treatment of similar video transmission services may result in uneven economic pressures. These pressures will cause cable operators to cease offering PEG access to franchise authorities in order to remain competitive with non-franchiseable VDT services. PEG centers will close as individuals shift from cable to VDT and franchise fee collections shrink.
10. If Channel 10 is forced to close because the cable operator and franchising authority cannot agree to its continuation, then individuals and organizations who currently utilize the facilities of the station will be forced into the commercial marketplace.

11. A half-hour of television time (including in-studio production and all post-production costs), which is free of charge on Public Access Channel 10, would cost somewhere between \$900.00 to \$2,500 on the local Fox Affiliate, Channel 55, the next-lowest-cost option for would-be cable program producers in Fort Wayne. In Fort Wayne there is no local origination channel or and leased access channel. Public Access Channel 10 is the only alternative community residents in Allen County have. Studio and post-production fees at the local Fox affiliate run between \$100 to \$150 per hour and cablecast or rather, broadcast air time can be \$300 to \$2,000 per half hour.
12. Many of our users would find such fees out of their range and would cease cablecasting altogether. 89 percent of the private non-profit organizations that use our PEG facilities on a regular basis have yearly budgets of less than \$ 50,000. An entity which wanted to retain its schedule of broadcasting weekly would have to spend its entire budget and more to maintain the same programming schedule within the private sector.
13. The erosion of PEG access could have significant deleterious effects on the practical enactment of First Amendment ideals.
14. VDT regulation which subjects both media to the same PEG requirements is the only method that will guarantee the existence of PEG access in a context of telecommunications competition.

I submit that the foregoing is truthful, based on personal knowledge, information, and belief.

Respectfully submitted,
by 

December 14, 1994.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
TELEPHONE COMPANY-)	
CABLE TELEVISION)	CC Docket No. 87-266
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Regulatory Procedures for)	
Video Dialtone Service)	

AFFIDAVIT IN SUPPORT OF COMMENTS

To: The Commission

1. My name is Jayne L Gerdeman. I am the Director of Telecommunications overseeing a government access center in Indianapolis, Indiana operating pursuant to cable franchises. Section 611 of the Communications Act of 1934, as amended authorizes municipal and state franchising authorities to request that cable operators support cable access by public, educational, and governmental ("PEG") entities.
2. The City of Indianapolis, Cable Communications Agency is a member of The Alliance for Community Media, a non-profit association representing PEG television stations nationwide.
3. Our government access channel has been in operation for 13 years; I have been Director of Telecommunications in the City of Indianapolis since May of 1993.
4. Among the organizations that have utilized the facilities of The Cable Communications Agency in the past year are the National Association of Counties, the NTIA, the U.S. Dept of Commerce and various city and county agencies as well as the Hudson Institute.
5. The Cable Communications Agency of Indianapolis/Marion County receives its funding primarily through a portion of our City Franchise Fees.
6. Section 611 of the Communications Act of 1934 permits local franchising authorities to request PEG access and facilities from a cable franchise when such franchise is initiated or comes up for renewal. The existence of most government access facilities rests upon franchising

authorities' insistence that such facilities be a condition of franchise.

7. The Federal Communications Commission is considering promulgating further regulations on persons maintaining common-carrier services providing video images, or "video dial-tone" ("VDT").

8. The Federal Communications Commission is considering the promulgation of such regulations without requiring a use fee structure which would be economically equivalent to the costs imposed on cable operators, among other matters, ensure the continuance of government access.

9. The inequitable treatment of similar video transmission services may result in uneven economic pressures. These pressures will cause cable operators to cease offering government access to franchise authorities in order to remain competitive with non-franchiseable video dialtone services. Government access centers will close as individuals shift from cable to video dialtone and franchise fee collections shrink.

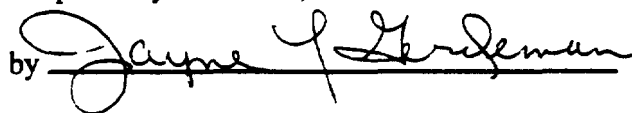
10. If the Indianapolis Cable Communications Agency government access center franchising authority cannot agree to its continuation, then individuals and organizations who currently utilize the facilities of the station will be forced into the commercial marketplace.

11. The erosion of government access could have significant deleterious effects on the practical enactment of First Amendment ideals.

12. Video Dialtone regulation which subjects both media to the same government access requirements is the only method that will guarantee the existence of government access in a context of telecommunications competition.

I submit that the foregoing is truthful, based on personal knowledge, information, and belief.

Respectfully submitted,

by 

December 14, 1994.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
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CABLE TELEVISION) CC Docket No. 87-266
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61, 64, and 69 of the)
Commission's Rules to)
Establish and Implement)
Regulatory Procedures for)
Video Dialtone Service)

AFFIDAVIT IN SUPPORT OF COMMENTS

To: The Commission

1. My name is Michael P. Henry. I am the Executive Director of Community Access Television of Salina, Inc., a non-profit public access center in Salina, Kansas operating pursuant to a cable franchise. Section 611 of the Communications Act of 1934, as amended authorizes municipal and state franchising authorities to request that cable operators support cable access by public, educational, and governmental ("PEG") entities.
2. Community Access Television of Salina, Inc. is a member of The Alliance for Community Media, a non-profit association representing PEG television stations nationwide.
3. Community Access Television of Salina, Inc. has been in operation for 3 years; I have been Executive Director of the center from the beginning in 1992.
4. Local religious, charitable, and community organizations are regular users of my facilities. Among the organizations that have utilized the facilities of Community Access Television of Salina, Inc. in the past year

are United Way, Asbury Salina Regional Medical Center, Girl Scouts, 4-H, City of Salina, Saline County, DARE - Saline County Sheriff Department, Social Rehabilitation Services of Kansas and many other non-profit and civic organizations. This is in accordance with both the letter and the spirit of Section 611, which requires that PEG centers meet the communications needs of the localities in which a cable franchise operates.

5. Community Access Television of Salina, Inc. receives its funding primarily through "franchise fees, which are passed through the franchise authority to the station," and "direct provision of access and services by the cable operator, pursuant to the terms of Salina's franchise agreement". The remainder of its operating budget comes from grants and contributions, which constitute 10% percent of the total yearly operating budget for the station.

6. Section 611 of the Communications Act of 1934 permits local franchising authorities to request PEG access and facilities from a cable franchise when such franchise is initiated or comes up for renewal. The existence of most PEG facilities rests upon franchising authorities' insistence that such facilities be a condition of franchise.

7. The Federal Communications Commission is considering promulgating further regulations on persons maintaining common-carrier services providing video images, or "video dial-tone" ("VDT").

8. The Federal Communications Commission is considering the promulgation of such regulations without requiring a use-fee structure which would be economically equivalent the costs imposed on cable operators to, among other matters, ensure the continuance of PEG access.

9. The inequitable treatment of similar video transmission services may result in uneven economic pressures. These pressures will cause cable operators to cease offering PEG access to franchise authorities in order to remain competitive with non-franchiseable VDT services. PEG centers will close as individuals shift from cable to VDT and franchise fee collections shrink.

10. If Community Access Television of Salina, Inc. is forced to close because the cable operator and franchising authority cannot agree to its continuation, then individuals and organizations who currently utilize the facilities of the station will be forced into the commercial marketplace.

11. A half-hour of television time (including in-studio production and all post-production costs), which is free of charge on PEG channels, would cost \$ 1,800, the next-lowest-cost option for would-be cable program

producers in Wichita. This includes \$200 for leased access time, \$1,200 for studio time, and \$400 for post-production services.

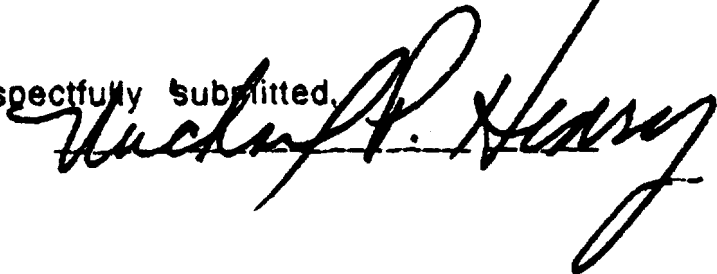
12. Many of our users would find such fees out of their range and would cease cablecasting altogether. 90 percent of the private non-profit organizations that use our PEG facilities on a regular basis have yearly budgets of less than \$ 200,000. An entity which wanted to retain its schedule of broadcasting weekly would have to spend its entire budget and more to maintain the same programming schedule within the private sector.

13. The erosion of PEG access could have significant deleterious effects on the practical enactment of First Amendment ideals.

14. VDT regulation which subjects both media to the same PEG requirements is the only method that will guarantee the existence of PEG access in a context of telecommunications competition.

I submit that the foregoing is truthful, based on personal knowledge, information, and belief.

Respectfully submitted,
by

A handwritten signature in black ink, appearing to read "Michael P. Henry", written over a horizontal line.

December 14, 1994.

Paducah Community College

University of Kentucky

Alben Barkley Drive, P. O. Box 7380, Paducah, KY 42002-7380, Telephone 502-554-9200

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

In the Matter of

TELEPHONE COMPANY-
CABLE TELEVISION
Cross-Ownership Rules,
Sections 63.54-63.58

CC Docket Bo. 87-266

and

Amendments of Parts 32, 36,
61, 64, and 69 of the
Commission's Rules to
Establish and Implement
Regulatory Procedures for
Video Dialtone Service

Rulemaking No. 8491

AFFIDAVIT IN SUPPORT OF COMMENTS

To: The Commission

1. My name is Gail Robinson. I am the Coordinator of Government Access Television at Paducah Community College, a government access center in Paducah, KY operating pursuant to a cable franchise. Section 611 of the Communications Act of 1934, as amended authorizes municipal and state franchising authorities to request that cable operators support cable access by public, educational, and governmental ("PEG") entities.
2. Paducah Community College is a member of The Alliance for Community Media, a non-profit association representing PEG television stations nationwide.
3. Paducah Community College has been operating the PEG channels for 12 years, since 1982.
4. Local religious, charitable, and community organizations are regular users of our facilities. Among the organizations that have utilized the facilities of Paducah Community College Access Center in the past year are the Paducah Cooperative Ministry, the West Kentucky Mental Health-Mental Retardation Board, Inc., the Market House Theatre, the Yeiser Art Center, Paducah Parks and Leisure Services, and many others. This is in accordance with both the letter and the spirit of Section 611, which requires that PEG centers meet

the communications of the localities in which a cable franchise operates.

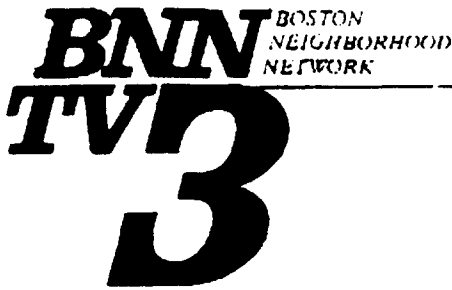
5. Paducah Community College Access Center receives its funding primarily through the franchise authority to the station, "or" direct provision of access and services by the cable operator, pursuant to the terms of Paducah-McCracken County's franchise agreement. "
6. Section 611 of the Communications Act of 1934 permits local franchising authorities to request PEG access and facilities from a cable franchise when such franchise is initiated or comes up for renewal. The existence of most PEG facilities rests upon franchising authorities' insistence that such facilities be a condition of franchise.
7. The Federal Communications Commission is considering promulgating further regulations on persons maintaining common-carrier services providing video images, or "video dial-tone" ("VDT").
8. The Federal Communications Commission is considering the promulgation of such regulations without requiring a use-fee structure which would be equivalent the costs imposed on cable operators to, among other matters, ensure the continuance of Peg ACCESS.
9. The inequitable treatment of similar video transmission services may result in uneven economic pressures. These pressures will cause cable operators to cease offering PEG access to franchise authorities in order to remain competitive as individuals shift from cable to VDT and franchise fee collections shrink.
10. If Paducah Community College Access Center is forced to close because the cable operator and franchising authority cannot agree to its continuation, then individuals and organizations who currently utilize the facilities of the station will be forced into the commercial marketplace.
11. A half hour of television time (including in-studio production and all post-production costs), which is free of charge on PEG channels, would cost \$600 on Comcast Cable System, the next lowest-cost option in Paducah. This includes \$50 for leases access time, \$250 for studio time, and \$300 for post-production time.
13. The erosion of PEG access could have significant deleterious effects on the practical enactment of First Amendment ideals.
14. VDT regulation which subjects both media to the same PEG requirements is the only method that will guarantee the existence of PEG access in a context of telecommunications competition.

I submit that the foregoing is truthful, based on personal knowledge, information, and belief.

Respectfully submitted,
by Gail Robinson

December 9, 1994

A handwritten signature in cursive script, reading "Gail Robinson". The signature is written in dark ink and is positioned to the right of the typed name "Gail Robinson".



Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
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TELEPHONE COMPANY-)	
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Video Dialtone Service)	

AFFIDAVIT IN SUPPORT OF COMMENTS

To: The Commission

1. My name is Hubert Jessup. I am the General Manager of the Boston Community Access and Programming Foundation, a public access center in Boston, MA operating pursuant to a cable franchise. Section 611 of the Communications Act of 1934, as amended authorizes municipal and state franchising authorities to request that cable operators support cable access by public, educational, and governmental ("PEG") entities.

2. The Boston Community Access and Programming Foundation is a member of The Alliance for Community Media, a non-profit association representing PEG television stations nationwide.

3. The Boston Community Access and Programming Foundation has been in operation for 11 years; I have been General Manager of the center for 11 years, since 1983

4. Local religious, charitable, and community organizations are regular users of my facilities. Among the over 200 non-profit organizations that have utilized the facilities of the Boston Community Access and Programming Foundation in the past year are the Haitian American Public Health Initiative, Visiting Nurses Association of Boston, 12th Baptist Church, Ford Hall Forum, and Hispanic Office of Planning and Education. This is in accordance with both the letter and the spirit of Section 611, which requires that PEG centers meet the communications needs of the localities in which a cable franchise operates.

5. The Boston Community Access and Programming Foundation receives its funding primarily through or direct provision of access and services by the cable operator, pursuant to the terms of Boston's franchise agreement. The remainder of its operating budget comes from grants and contributions, which constitute 10 percent of the total yearly operating budget for the station.

6. Section 611 of the Communications Act of 1934 permits local franchising authorities to request PEG access and facilities from a cable franchise when such franchise is initiated or comes up for renewal. The existence of most PEG facilities rests upon franchising authorities' insistence that such facilities be a condition of franchise.

7. The Federal Communications Commission is considering promulgating further regulations on persons maintaining common-carrier services providing video images, or "video dial-tone" ("VDT").

8. The Federal Communications Commission is considering the promulgation of such regulations without requiring a use-fee structure which would be economically equivalent to the costs imposed on cable operators to, among other matters, ensure the continuance of PEG access.

9. The inequitable treatment of similar video transmission services may result in uneven economic pressures. These pressures will cause cable operators to cease offering PEG access to franchise authorities in order to remain competitive with non-franchiseable VDT services. PEG centers will close as individuals shift from cable to VDT and franchise fee collections shrink.

10. If the Boston Community Access and Programming Foundation is forced to close because the cable operator and franchising authority cannot agree to its continuation, then individuals and organizations who currently utilize the facilities of the station will be forced into the commercial marketplace.

11. A half-hour of television time (including in-studio production and all post-production costs), which is free of charge on PEG channels, would cost \$2,200 on Channel 62, the next- lowest-cost option for would-be cable program producers in Boston. This includes \$700 for leased access time, \$800 for studio time, and \$700 for post-production services.

12. Many of our users would find such fees out of their range and would cease cablecasting altogether. 90 percent of the private non-profit organizations that use our PEG facilities on a regular basis have yearly budgets of less than \$ 200,000. An entity which wanted to retain its schedule of broadcasting weekly would have to spend its entire budget and more to maintain the same programming schedule within the private sector.

13. The erosion of PEG access could have significant deleterious effects on the practical enactment of First Amendment ideals.

14. VDT regulation which subjects both media to the same PEG requirements is the only method that will guarantee the existence of PEG access in a context of telecommunications competition.

I submit that the foregoing is truthful, based on personal knowledge, information, and belief.

Respectfully submitted,

by


Hubert Jessup
General Manager

December 14, 1994.



90 UNION SQUARE, SOMERVILLE, MA 02143
(617) 628-8826 (VOICE/TTY)

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
TELEPHONE COMPANY-)	
CABLE TELEVISION)	CC Docket No. 87-266
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Video Dialtone Service)	

AFFIDAVIT IN SUPPORT OF COMMENTS

To: The Commission

1. My name is Carl Kucharski. I am the Executive Director of Somerville Community Access Television, Inc., (SCAT), a public access center in Somerville, Massachusetts operating pursuant to a cable franchise. Section 611 of the Communications Act of 1934, as amended authorizes municipal and state franchising authorities to request that cable operators support cable access by public, educational, and government ("PEG") entities.

2. SCAT is a member of the Alliance for Community Media, a non-profit association representing PEG television stations nationwide.

3. SCAT has been in operation for 12 years.

4. Local religious, charitable, and community organizations are regular users of my facilities. Among the organizations that have utilized the facilities of SCAT in the past year are; the Community Action Agency of Somerville, Somerville Police Department, Clarendon Hill Presbyterian Church, East Somerville Community School, New Covenant Universal Church, Somerville Community Computing Center, Somerville Community Partnership, Massachusetts Alliance of Portugeese Speakers, Somerville Arts Council, Somerville Boys and Girls Club, Somerville Housing Authority, The Welcome Project, and Tufts University. This is in accordance with both the letter and spirit of Section 611, which requires that PEG centers meet the communications needs of localities in which a cable franchise operates.

5. SCAT receives funding through franchises fees, which are passed through the franchise authority to the station pursuant to the terms of Somerville's franchise agreement. The remainder of SCAT's operating budget comes from grants, contributions, membership fees and earned income which constitutes a significant percentage of the total yearly operating budget for the station.

6. Section 611 of the Communications Act of 1934 permits local franchising authorities to request PEG access and facilities from a cable franchise when such franchise is initiated or comes up for renewal. The existence of most PEG facilities rests upon

franchising authorities' insistence that such facilities be a condition of franchise.

7. The Federal Communications Commission is considering promulgating further regulations on persons maintaining common-carrier services providing video images, or "video dialtone" ("VDT").

8. The Federal Communications Commission is considering the promulgation of such regulations without requiring a use-fee structure which would be economically equivalent to the costs imposed on cable operators to, among other matters, ensure the continuance of PEG access.

9. The inequitable treatment of similar video transmission services may result in uneven economic pressures. These pressures will cause cable operators to cease offering PEG access to franchise authorities in order to remain competitive with non-franchise VDT services. PEG centers will close as individuals shift from cable to VDT and franchise fee collections shrink.

10. If SCAT is forced to close because the cable operator and franchise authority cannot agree to its continuation, then individuals and organizations who currently utilize the facilities of the station will be forced into the commercial marketplace.

11. A half-hour of television time (including in-studio production and all post-production costs), which is free of charge on PEG channels, would cost approximately \$1,000.00, the next-lowest-cost option for would-be cable program producers in Somerville. The includes \$250.00 for leased access time, \$500.00 for studio time, and \$250.00 for post-production services.

12. Many of our users would find such fees out of their range and would cease cablecasting altogether. Ninety, (90), percent of the private non-profit organizations that use our PEG facilities on a regular basis have yearly budgets of less than \$200,000.00. An entity which wanted to retain its schedule of programming weekly would have to spend a significant portion of its entire budget to maintain the same programming schedule within the private sector.

13. The erosion of PEG access could have significant deleterious effects on the practical enactment of First Amendment ideals.

14. VDT regulations which subjects both media to the same PEG requirements is the only method that will guarantee the existence of PEG access in a context of telecommunications competition.

I submit that the foregoing is truthful, base upon personal knowledge, information and belief.

Respectfully submitted

by Carl Kuehnsky

December 14, 1994



CITY OF ANN ARBOR, MICHIGAN

107 North Fifth Avenue, P.O. Box 8647, Ann Arbor, Michigan 48107

Phone: (313) 994-1833

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Office of Cable Communications
In the Matter of

TELEPHONE COMPANY-
CABLE TELEVISION
Cross-Ownership Rules,
Sections 63.54-63.58

and

Amendments of Parts 32, 36,
61, 64, and 69 of the
Commission's Rules to
Establish and Implement
Regulatory Procedures for
Video Dialtone Service

CC Docket No. 87-266

Rulemaking No. 8491

AFFIDAVIT IN SUPPORT OF COMMENTS

To: The Commission

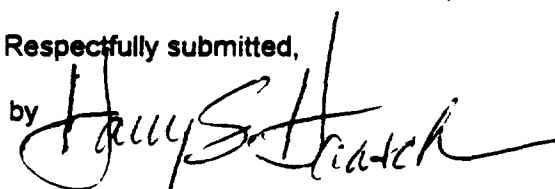
1. My name is Harry S. Haasch. I am the Executive Director of the Community Television Network (CTN) (formerly Ann Arbor Community Access Television), a public, educational, and governmental, access center in Ann Arbor, Michigan operating pursuant to a cable franchise. Section 611 of the Communications Act of 1934, as amended authorizes municipal and state franchising authorities to request that cable operators support cable access by public, educational, and governmental ("PEG") entities.
2. CTN is a member of the Alliance for Community Media, a non-profit association representing PEG television stations nationwide.
3. CTN has been in operation for 22 years; I have been Executive Director of the center for 3.5 years, since July, 1991.
4. Local religious, charitable, and community organizations are regular users of my facilities. Many organizations have utilized the services and facilities of CTN in the past year. (A partial list is attached as Exhibit A). This is in accordance with both the letter and the spirit of Section 611, which requires that PEG centers meet the communications needs of the localities in which a cable franchise operates.
5. CTN receives its funding primarily through franchise fees, which are directed by the franchise authority to support the organization. The remainder of its operating budget comes from grants and in-kind contributions, which constitute 10% of the total yearly operating budget for the station.

6. Section 611 of the Communications Act of 1934 permits local franchising authorities to request PEG access and facilities from a cable franchise when such franchise is initiated or comes up for renewal. The existence of most PEG facilities rests upon franchising authorities' insistence that such facilities be a condition of franchise.
7. The Federal Communications Commission is considering promulgating further regulations on persons maintaining common-carrier services providing video images, or "video dial-tone" (VDT").
8. The Federal Communications Commission is considering the promulgation of such regulations without requiring a use-fee structure which would be economically equivalent the costs imposed on cable operators to, among other matters, ensure the continuance of PEG access.
9. The inequitable treatment of similar video transmission services may result in uneven economic pressures. These pressures will cause cable operators to cease offering PEG access to franchise authorities in order to remain competitive with non-franchiseable VDT services. PEG centers will close as individuals shift from cable to VDT and franchise fee collections shrink.
10. If CTN is forced to close because the cable operator and franchising authority cannot agree to its continuation, then individuals and organizations who currently utilize the facilities of the station will be forced into the commercial marketplace.
11. A half-hour of television time (including in studio production and all post-production costs), which is free of charge on PEG channels, would cost approximately \$1,000.00, the next-lowest-cost option for would-be cable program producers in Ann Arbor. This includes \$400.00 for leased access time, \$300.00 for studio time, and \$300.00 for post-production services.
12. Many of our users would find such fees out of their range and would cease cablecasting altogether. [50%] of the private non-profit organizations that use our PEG facilities on a regular basis have yearly budgets of less than \$200,000. An entity which wanted to retain its schedule of broadcasting weekly would have to spend a significant portion of its entire budget to maintain the same programming schedule within the private sector.
13. The erosion of PEG access could have significant deleterious effects on the practical enactment of First Amendment ideals.
14. VDT regulation which subjects both media to the same PEG requirements is the ONLY method that will guarantee the existence of community-based media in a context of telecommunications competition.

I submit that the foregoing is truthful, based on personal knowledge, information, and belief.

Respectfully submitted,

by



December 14, 1994